

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

SETH TAYLOR,

Plaintiff,

v.

**DAVIDSON COUNTY SHERIFF'S
OFFICE, et al.,**

Defendants.

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Case No. 3:16-cv-3257

**Judge Sharp
Magistrate Judge Brown**

JURY DEMAND

ANSWER

Comes now Defendant Dwayne Butler, by and through counsel, and responds to Plaintiff's Complaint in this matter as follows:

I. PARTIES:

To the extent the allegations of Section I pertain to this Defendant, Defendant Butler admits that he works at the Davidson County Sheriff's Office and is an employee of the Metropolitan Government of Nashville and Davidson County, Tennessee.

II. JURISDICTION:

Defendant admits that this Court has jurisdiction over Plaintiff's claims. Defendant denies that Plaintiff is entitled to the relief requested or to any other relief in general.

III. PREVIOUS LAWSUITS

Defendant is without sufficient information to form a belief as to the truthfulness of the allegations in Section II of the complaint and demands strict proof thereof.

IV. EXHAUSTION

Defendant is without sufficient information to form a belief as to the truthfulness of the allegations in Section II of the complaint and demands strict proof thereof.

V. CAUSE OF ACTION

Defendant denies that any constitutional rights of the Plaintiff were violated.

VI. STATEMENT OF FACTS and Additional Complaint Filings (Doc. Nos. 3 and 8)

To the extent the allegations of Section VI and the Additional Complaint Filings pertain to this Defendant, Defendant denies all allegations against him.

VII. RELIEF REQUESTED

Defendant denies that Plaintiff is entitled to any relief in this matter.

GENERAL AND AFFIRMATIVE DEFENSES:

Defendant, having fully answered the allegations of the complaint, hereby asserts the following general and affirmative defenses:

1. Plaintiff's complaint fails to state a claim upon which relief may be granted against this Defendant.
2. Defendant is entitled to the defense of qualified immunity in that his conduct did not violate any constitutional or statutory rights of the Plaintiff that were clearly established at the time of the alleged incident.
3. The facts and circumstances of this cause do not support the imposition of punitive damages against Defendant.
4. Defendant did not violate any constitutional right or other federal right to which the Plaintiff was entitled.
5. Defendant acted in good faith at all times.
6. Defendant further asserts the affirmative defenses of res judicata, statute of limitations, laches, and estoppel.

7. Plaintiff's claims must be dismissed to the extent that he has failed to exhaust his administrative remedies.

8. All allegations not specifically admitted are hereby denied.

WHEREFORE, having fully answered the Plaintiff's complaint, Defendant prays:

1. That this be accepted as his answer herein;
2. That this cause be dismissed and held for naught;
3. That all costs and other reasonable fees, including attorneys' fees, be charged to and borne by Plaintiff;
4. That these claims be tried to a jury; and
5. For such other and further relief as the Court deems necessary.

Respectfully submitted,

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
JON COOPER, #23571
DIRECTOR OF LAW

/s/ Keli J. Oliver
Keli J. Oliver (#21023)
Melissa Roberge (#26230)
Assistant Metropolitan Attorneys
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219
(615) 862-6341

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing has been served via U.S. Mail to:

Seth Taylor
#331874
Davidson County Sheriff's Office
5113 Harding Place
Nashville, TN 37211

on this 15th day of February, 2017.

/s/ Keli J. Oliver

Keli J. Oliver